



THE ZONE OF DISPAIR

Pierce County, Washington

Report of Ongoing Animal Abuse

This story is intended to expose the lack of enforcement of animal abuse laws and zoning laws by officials in Pierce County Washington including the Cities of Bonney Lake and Roy. Pierce County is located in the Puget Sound region of Washington.

Specific violations of law including felony violations have been identified and documented. The ongoing problems have been compounded by an appalling lack of action by the Pierce County Council and their appointed animal control agency, the Pierce County Humane Society.

An outside audit conducted by the American Humane Association showed extensive problems; the findings were ignored by the public agency's involved. Neighboring King County health department lab tests documented chlamydia a disease that can affect human beings yet animal control officials obstructed health dept. action being taken against the breeder involved. A reporter with the local ABC affiliate covering this story has been threatened by at least one county official¹. Additionally an official at the Pierce County Humane Society threatened the individual spearheading this ongoing investigation.

The private individuals involved in this effort have amassed so much documentation that the concern isn't that it will be inadequate to prove these charges, but that there is so much documentation as to overwhelm any one looking at that information. For that reason this report will include only the most important of that documentation.

The following officials have ignored audit and veterinary findings and have denied public access to these reports and other records that were developed with taxpayer money.

Pierce County Executive, Mr John Laddenburg
Pierce County Councilman, Mr Shaun Bunney
Pierce County Prosecuting Attorney, Mr. Kevin Benton
Humane Society of Pierce County Director, Mr Steve Pierce
Humane Society of Pierce County, Assoc Director, Mr Phil Olson
Humane Society of Pierce County Inspector, Mr Wally Hall
Mayor of Bonney Lake, Washington Mr. Bob Young
Ordinance Officer of Bonney Lake Washington, Mr. Denny Bryant
Councilman Bunney's Assistant, Duanne Rivera

¹ Threat was that should the reporter continue in her efforts that she would be cut off from future information on stories the county was involved in.

The Zone of Despair

I became aware of the existence of massive breeding facilities in Pierce County Washington some years ago. The unbelievable condition that exotic birds (many of them endangered species) were kept in was a shock to me. The horrific conditions were most obvious to me in the larger facilities originally, however as I was drawn into the situation I discovered that the horrid conditions were prevalent not just in these larger facilities but even in smaller breeding operations.

I had always owned dogs and when my daughter came to my wife and myself and explained that with her job and other commitments she could no longer keep her bird. She had an Umbrella Cockatoo and she asked if we could take him. Thus began our journey into the amazing world of parrot ownership.

Parrots come in a variety of species (something I didn't know before) and each species has its own individual characteristics and each bird its own personality. There are some that are cuddly and enjoy being held and played with, while there are others that are more independent, however all have certain traits in common. All parrots have the emotional development of a human 2 year old and the ability to learn at the level of a human 4 year old. I discovered quickly that the personality of the bird I had inherited from my daughter was intoxicating and that he was a constant source of amazement because of his love of people and his boundless curiosity. I quickly discovered that in order to keep up with him required that I read everything I could get my hands on from book stores, the internet, magazines and bird groups. I discovered that owning birds was nothing like owning dogs. The differences were like night and day. In my quest for knowledge I met a woman that had taken into her care dozens of parrots that had been abused or neglected and had given them a second chance at life. The population of her flock grew exponentially to the point that taking care of them was a full time job and she gave up her career and dedicated herself to running a large sanctuary for these throw away birds. She out of necessity had become extremely knowledgeable about the various species of Parrots. She also became an extremely valuable source of information for my wife and myself in our ongoing quest for knowledge about parrots.

My exposure to the darker side of the breeding business started one day a few years ago when I contacted my friend with the sanctuary in need of advise. I noticed that her demeanor on the phone was very quiet and I asked her if there was something wrong. She told me that on the previous day she had been to the Cripple Creek Aviary in Roy Washington and all though she had been in large breeding facilities in the past, this was the first time she had left in tears. She related her visit to me in detail and followed that up with a complaint to the Pierce County Humane Society (PCHS). The individual at the PCHS told her he would need evidence to present to a judge in order to get a warrant to inspect the Cripple Creek Facility. My friend signed a statement relating her observations. The statement² was filed in the Pierce County Superior Court along with the exam results of a Blue & Gold Macaw that had been removed earlier under a

² Attachment number 2: Statement by the Director of one of the largest Exotic Bird Sanctuaries on the West Coast

settlement of a legal dispute, and based on that statement and avian vet exam (see attachment #3) a warrant was issued authorizing the inspection of the Cripple Creek Aviary by the humane society. My friend told the PCHS that she was prepared to provide care, veterinary services and boarding for the three hundred (300) birds that we were certain would be seized by the PCHS as a result of the inspection.

Because the PCHS had no knowledge of minimal standards of care for birds they recruited a vet to accompany them. The vet that was selected was a dog and cat vet with no knowledge of avian care. The PCHS did not recognize that a dog and cat vet wouldn't have the education or experience to evaluate the care of exotic birds. It was a classic case of the blind leading the blind. This flaw in the inspection was compounded by the PCHS inspector's refusal to utilize his own observations as a basis for seizure. The conditions were so bad that it took no more than simple common sense to recognize that these animals were living in conditions that were clearly beyond any reasonable persons acceptable standard of care. The conditions didn't simply border on abuse but went so far beyond abuse as to be criminal under the laws of the state of Washington. A few observations that were made in the weeks just prior to the PCHS inspection included the following (from the Sanctuary Director's statement included as attachment # 2).

- Emaciated, weak and very ill birds. The birds I removed were too weak to hold their own food.
- No water available
- Food was not nutritious
- Inadequate amount of food
- Filthy cages that had feces 6" high on the bottom of their cages. The sides of the cages were coated with excrement so; as the bird climbed down to their food bowl they contaminated their feet. They could not avoid ingesting the bacterial / feces since they hold their food in their feet.
- No heat in buildings
- E-Coli present in birds
- The buildings and birds smelled like animal feces and mold. Parrots have very sensitive respiratory systems.

The above list constitutes only a partial list of the problems that had been observed at the Cripple Creek facility. Cripple Creek is so bad that the publication "Bird Talk magazine"³ has banned advertising from Cripple Creek Aviary for life.

Shortly after the PCHS inspection of Cripple Creek the owners were evicted for non-payment of their mortgage. Unfortunately when evicted they fled with the 300 birds and relocated down the road to a facility in Yelm Washington. 3 days after they abandoned the property I accompanied an attorney to the property and took video and still photos of the conditions at Cripple Creek. Below are but a few of the photos that I took, which reflect conditions that had been present during the PCHS inspection.

³ One of the largest Avian Publications in the USA



This Building housed 50 Parrots



Water Bottles encrusted with algae and mold

SEE ATTACHMENT # 4 FOR ADDITIONAL PHOTOS OF ABUSE

In spite of this and much more information and observations the PCHS took no action claiming that while the facility was disgusting there were no actionable problems. They didn't even issue a citation.

The result of the Cripple Creek inspection and lack of action left me stunned. I contacted the PCHS and was informed that there weren't any law violations so they couldn't do anything. I obtained a copy of the state animal abuse laws and discovered that any one of the foods, water, housing or cleanliness (fecal encrusted cages) issues were sufficient to bring felony animal abuse charges against Jonna and Tom Kelley the owners of the Cripple Creek Aviary. The PCHS however chose to do nothing. I contacted the PCHS repeatedly to try and clarify the issue however was repeatedly turned down for additional information.

A short time later I was told that just down the road from Cripple Creek there was an even larger breeder called the Scudder Aviary, which had been in business for some 20 years. There had been numerous complaints filed against the Scudders yet the PCHS took no action. It appears that the agency, which has animal enforcement powers in Pierce County seems unable or unwilling to enforce the animal abuse laws already enacted in the state of Washington. Each county or town can contract for animal control enforcement. As a result as long as that contract remains only PCHS is authorized to enforce the laws.

The PCHS claimed that since there were no violations there was nothing they could do. I then obtained a copy of the states animal abuse laws and discovered that any one of the foods, water, housing or cleanliness issues were sufficient to bring felony animal abuse charges against Jonna and Tom Kelley, owners of the Cripple Creek Aviary.

I then asked two advocates from the Peoples Animal Welfare Society (PAWS) to visit the Scudder Aviary and document their observations (see attachment # 5 for their observations).

Based on the report by the PAWS animal advocate the PCHS requested an investigation of the aviary. However the agency conducted the inspection without a warrant; as a result they were limited to the areas to which Mrs. Scudder granted them access. Had the PCHS obtained a warrant they would have had access to all areas. The PCHS claimed that they were striving to work cooperatively with the Scudders to resolve the issues.

Because I had voiced concern over the inspection at the Cripple Creek Aviary, the PCHS agreed that I could select the vet to accompany them on the Scudder inspection. This offer was made only after a reporter from the local ABC affiliate contacted them about the PCHS procedures in enforcing the animal control laws of the state⁴. The vet selected is one of only three board certified avian vets in the Washington, to accompany the PCHS inspector. However, PCHS required the vet Dr Tracey Bennett to sign a confidentiality agreement prior to the inspection, which barred her from releasing any information to any agency or individual except the PCHS.

Towards the end of February of 2003 the inspection of the Scudder Aviary took place. On March 7, 2003 Dr Bennett faxed her report to the PCHS. My request for a copy of the report was denied. I then made a formal request under the freedom of information act and was denied in a terse one-sentence response from Phil Olson Assistant Director of the PCHS (see attachment # 9). I was told that Dr. Bennetts report didn't cite sufficient causes to move against the Scudder Aviary. Over a period of three months, I tried to get a copy of the report from the PCHS. I was successful only after a county official forwarded a copy to me. Dr. Bennetts report (attachment # 1) listed conditions that have since been described as "grotesque" by Dr. Stewart Metz a director of the World Parrot Trust.

Mr Olsen's position was that no actionable violations were identified and that Dr. Bennetts report didn't cite sufficient causes for against the Scudder Aviary.

Since no action was taken by PCHS, help was sought from People For the Ethical Treatment of Animals (PETA), after reviewing numerous documents Jean-Regis Gaultier of PETA's Domestic Animal Issues & Abuse Department contacted PCHS

The PCHS to Mr. Gaultier said "

"We have received a response from Wally Hall⁵ last week. According to him, Tracy Bennett has never stated that the animals in question were suffering; therefore, no charges could have been pressed against Scudder, as the WA anti-cruelty statute requires the animals to be in pain for charges consideration". It was evident by this response that PCHS would continue to ignore the conditions present at these large aviaries. Therefore it was decided to contact the Pierce County Council.

⁴ This affiliate had become interested in the story after I presented my documentation to her. She thought there was a good story here, however without film coverage she couldn't do the story.

⁵ Pierce County Humane Society Inspector

My next stop the Pierce County Council.

Pierce County Council representatives Shaun Bunney, Duane Rivera, and Chris Gruit (councilman Bocchi's assistant). Met with Larry Gallawa, Dr Stewart Metz (World Parrot Trust) and Renee Ward (animal advocate) On September 4, 2003. The county representatives were provided with a complete package of documents, including the 2002 PCHS audit conducted by an outside agency, During the Mr Rivera requested that I make a list of documents, which PCHS was withholding, adding that he would obtain and forward them.

After being contacted about the progress weekly for about 6 weeks, Mr. Rivera responded that he had not requested the records from PCHS because he was trying to resolve the issue without involving them. He indicated that he had everything under control but due to the sensitive nature of his actions he couldn't divulge any information. Mr Rivera's decision to not involve PCHS in his solution and need to keep things secret sent up red flags immediately. Not only did the audit (attachment # 13) reveal incompetence in PCHS, the contract was renewed without the audit recommendations being implemented. More disturbing was that the new contract actually removed what little oversight was required of the PCHS; it appeared that the new contract had been structured around protecting the PCHS from outside review or taxpayer scrutiny entirely

Dr Bennetts concerns of disease realized in the form of Psittacosis

On October 16, 2003 the King County health department instituted a quarantine of the Bird Cage Pet Store in Federal Way Washington (see attachments # 7 and # 8). The quarantine was based on the presence of "chlamydiosis in several birds. This is a disease known as psittacosis in humans, and it can potentially be transmitted from sick or carrier birds to people. Symptoms in humans are flu-like, including chills, muscle aches, fever, and cough". Lab tests confirmed that the disease was transmitted to the pet store by a bird that had been purchased from the Scudder Aviary.

The Pierce County Health Department was notified of the infection of the Scudder bird and they determined the need to inspect the Scudder Aviary for the disease. The Health Department contacted PCHS and requested PCHS obtain a warrant to inspect the birds at the Scudder Aviary. Although PCHD had sufficient evidence to warrant getting a court order to enter the facility and conduct the inspection, Wally Hall (PCHS Inspector) failed to supply adequate documentation to secure the warrant. It should be noted that at the time he requested the warrant Mr Hall had the lab results proving the psittacosis presence in the Scudder bird. Mr. Hall However claimed in his supporting request for the warrant that the presence of the disease was based on rumor. Additionally, since the PCHS held Dr Bennetts report for 8 months. Without taking action the D.A characterized the request as insufficient to obtain a warrant to inspect the Scudder facility the result is that the Scudders continue to ship infected birds all over the United States.

In addition to the Scudder and Cripple Creek Aviaries, there are problems with a smaller aviary in Bonney Lake, Washington. The Elron operation operated by the Binnings had 80 birds in a doublewide trailer on a ¼ acre size lot. Both Bonney Lake and Pierce County have zoning ordinances limiting the number of animals to 12 on any lot size under ¼ acre (see attachment # 15). A friend of the Binnings had sent pictures and described a situation of filth, poor nutrition

and inadequate water at the Binnings, Elron Aviary. When pressed in September 2003 for status of the investigation, Duanne Rivera responded by E Mail saying

“We haven't approached the Humane Society yet. We're accumulating the information we think we need to know to resolve any cruelty being imposed on these animals. As soon as we know election results, we can go forth with our plans to meet with the Humane Society. In the meantime, please allow us to do our own investigation and strategy plan”. Unfortunately there still hasn't been an official contact with PCHS as of January 2004.

Denny Bryant, Bonney Lakes Ordinance Officer, acknowledged in November that there had been previous complaints on the Elron Aviary (see attachment # 16). Bonney Lake's Mayor, Mr. Bob Young was also contacted in November yet no action has been taken to cite the Binnings for the zoning violations. As of January 2004 that flock had been reduced as a result of the deaths of 40 birds over the period of two months. Additionally because of earlier complaints PCHS conducted an inspection of Elron Aviary in March 2003 (see attachment # 6). No subsequent action was taken by PCHS, even though the inspection noted that there was no food or water for the birds and all cages were encrusted with fecal matter.

In addition to the Elron Aviary there were complaints filed with PCHS against a woman in Bonney Lake, who had birds that were regularly beaten, or in the case of a Blue and Gold Macaw was starved to death because she made too much noise. Numerous complaints were lodged with PCHS by neighbors who had offered to show the PCHS inspector the dead bodies of puppies, birds and cats that had been killed by this woman. After numerous complaints to the PCHS a poor innocent dove angered the old woman who placed it in a location she knew was rat infested. Neighbors called PCHS and begged them to take the animals away to no avail. A week after the last complaint was filed the Dove was eaten alive by rats. The terror this animal went through had to have been horrific and the last hour of its life something no living creature should have to endure.



An animal rights advocate took this picture of the bird's body after it was eaten alive by rats.

The problem that I have had in writing this story is in knowing when to quit writing. I have amassed over 2000 documents. Unfortunately none of it has freed the Scudder or Elron or Cripple Creek birds from their long wait for death in order to escape their torment. I think the statement of the animal rights advocate mentioned previously (attachment # 12) best describes the situation she observed at the Scudder Aviary in September 2003

“One small wire pen held 2 very large and very dirty dogs. White St. Bernard, I think...and one small Corgi type. The pen had no house in it for them, it was all dirt and had a turned over large plastic crate with what may have, at one time, been dog food in it. The water was a large bucket, which now holds dirt, green slime and is thick. These poor dogs cried as I left and I can still hear it. They are starving.

There are row upon row of exotic, **FEDERALLY PROTECTED** birds. All colors and sizes and not one of them that I walked up to had a clean cage, the bowls were full of excrement and the water was green slime. These birds will starve to death...a slow and painful death for any living creature. These birds are caged in small confined cages that have not been washed in a long, long time. Hundreds of birds. It is such a sad sight to try to get out of my mind. Plastic sheeting that had covered the outside cages hangs in shreds and tatters. Looking at these poor animals made me think of the pictures of faces in Auschwitz and other 'death camps' that held no hope. Just put feathers on those faces and feel their pain and know the despair that is heavy there.

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